



## Legislation Text

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**File #:** 29183, **Version:** 1

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### **Fiscal Note**

Rents derived from leasing agreements will increase the City's General Fund revenues, although the amount of such revenues is unknown.

### **Title**

Authorizing the execution of farm leases on lands dedicated to the City of Madison located in undeveloped plats.

### **Body**

WHEREAS, throughout the City of Madison (the "City") undeveloped platted tracts are being leased by the owner/developer for farming purposes; and

WHEREAS, such tracts include areas of land dedicated to the City for right-of-way, future park, and other purposes; and

WHEREAS, such use of City-owned lands has not been authorized by the Common Council of the City of Madison, and the City has not been receiving its prorata share of rents; and

WHEREAS, staff from the City Assessor's Office have identified numerous undeveloped plats where unauthorized farming of City-owned lands has been occurring; including, but not limited to, the following: Silicon Prairie Business Park, Woodstone, Prairie Point, Eastlawn, Blackhawk Church Town Center Plat and Grandview Commons; and

WHEREAS, the City Attorney's Office recommends that the Manager of the Office of Real Estate Services be granted authority to enter into farm leases in those instances where an owner/developer is leasing out undeveloped platted tracts that include lands dedicated to the City of Madison.

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Madison hereby authorizes the Manager of the Office of Real Estate Services to enter into leases for farming purposes in those instances where an owner/developer is leasing to a tenant farmer platted, undeveloped tracts that include lands dedicated to the City of Madison (the "City"). Such leases shall be subject to the following general terms and conditions:

1. The term of the lease shall be for one year and may be renewed for subsequent one-year terms upon agreement of the parties.
2. The tenant farmer shall pay the City annual rent to be negotiated with the Manager of the Office of Real Estate Services.
3. Atrazine or any herbicide that lists atrazine as an active ingredient shall not be applied upon the leased land.
4. The tenant farmer shall not hunt upon the leased land and shall ensure that the leased land are not used for hunting purposes.
5. The tenant farmer shall be responsible for all utilities furnished to the leased land, including water and storm water charges.

6. The tenant farmer shall be liable to and agree to indemnify, defend and hold harmless the City, and its officers, officials, agents, and employees, against all loss or expense (including liability costs and attorney's fees) by reason of any claim or suit, or of liability imposed by law upon the City or its officers, officials, agents or employees for damages because of bodily injury, including death at any time resulting therefrom, sustained by any person or persons or on account of damages to property, including loss of use thereof, arising from, in connection with, caused by or resulting from the acts or omissions of the tenant farmer or its officers, officials, agents, employees, assigns, guests, invitees, or subcontractors, in or related to the performance of the Lease, whether caused by or contributed to by the negligence of the City, its officers, officials, agents, or employees.

7. The tenant farmer shall carry farm general liability insurance including contractual liability with no less than the following limits of liability, as may be adjusted, from time to time, by the City's Risk Manager: bodily injury, death and property damage of \$1,000,000 per occurrence. The policy or policies shall name the City as an additional insured. As evidence of this coverage, the tenant farmer shall furnish to the City a certificate of insurance on a form provided by the City.

BE IT FURTHER RESOLVED, that the Manager of the Office of Real Estate Services is hereby authorized to execute any and all additional documents that may be required to complete the transaction.